

Civil Case No.: 04-377-BH-B

Plaintiff has conceded his claims alleging violations of the Americans with Disabilities Act and harassment in violation of Title VII are without merit (Pl.'s Br. Opp. Summ. J., Doc. 69, p.7 & 30, n. 1 & 11) and, therefore, Defendants' Motion for Summary Judgment as to these claims is **hereby GRANTED**. However, as to the remainder of Plaintiff's claims, the Court finds that there are genuine

issues of material fact that cannot be resolved via summary judgment. Fed. R. Civ. P. 56(c). In regards to these claims, the Court finds that Defendants' Motion for Summary Judgment is **hereby DENIED**.

**So ORDERED**, this 23rd day of August, 2005.

s/ W. B. Hand  
SENIOR DISTRICT JUDGE